

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 5:22CR00008

GERALD LEONARD DRAKE,

Defendant.

AMENDMENT 821 NOTICE

Pursuant to its statutory authority, the United States Sentencing Commission approved Amendment 821, effective November 1, 2023, amending Chapter Four of the Sentencing Guidelines. The Sentencing Commission has determined that Amendment 821 is retroactive, meaning the court is authorized to consider a sentence reduction pursuant to 18 U.S.C. §3582(c) for certain qualifying defendants. In this case, defendant has either (1) filed a motion for reduction in sentence based on Amendment 821; or (2) has been identified by the United States Sentencing Commission, the United States Probation Office, or the Federal Public Defender's Office as being potentially eligible for a sentencing reduction pursuant to the Amendment and the United States Probation Office has issued an Amendment 821 PSR Addendum.

The parties are **DIRECTED** to notify the Court of their position regarding the eligibility of the defendant for an 821 Amendment and the proposed sentencing reduction, if any, no later than 60 days from the date of this Notice, or within such additional time as the Court may provide upon written motion. Should either party wish to file a response to such position, such response shall be filed within 30 days thereafter.

In Standing Order No. 2023-25, the court appointed the Federal Public Defender for the Western District of Virginia to represent any defendant sentenced in this district who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to

determine whether that defendant may qualify for relief under Amendment 821. Defendant may also choose to secure his/her own legal representation. Pursuant to Standing Order 2023-25, the Federal Public Defender is **DIRECTED** to advise the defendant of the issuance of the Amendment 821 PSR Addendum and this Notice.

The Clerk has sent this Notice to former counsel of record for defendant, the Federal Public Defender, the United States Attorney, and the United States Probation Office.